



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 974-00

19 May 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 17 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you reenlisted in the Navy on 30 October 1964 for six years as an SN (E-3). At the time of your reenlistment, you had completed nearly four years of prior active service. You reported to the USS INDEPENDENCE on 11 December 1964 and served without incident until 1 February 1965 when you were reported in an unauthorized absence (UA) status. You missed ship's movement on 3 February 1965 and remained absent until you were apprehended by civil authorities on 16 February 1965.

On 26 February 1965 you received nonjudicial punishment (NJP) for the foregoing 16 day period of UA. Punishment imposed was 30 days of correctional custody. Thereafter, you continued to serve without further incident and were honorably discharged on 19 November 1965 by reason of physical disability.

In its review of your application, the Board conducted a careful search of your service record for any mitigating factors which

might warrant removal from the record of the 16 days lost time and the NJP. The Board noted your contention that you had been granted leave to move your family to the west coast and during your move you had car trouble, which took several days to repair. You claimed that you turned yourself in when you learned that you had been reported UA. However, the Board also noted that you were an experienced Sailor who was well aware of the procedures to take if you were unable to return when your leave expired. It appeared to the Board that you failed to contact the command until you were apprehended by civil authorities. The Board further noted that the evidence considered by the NJP authority no longer exists. Absent evidence of an abuse of discretion, a presumption exists that action taken by the NJP authority was appropriate and proper. You have provided neither probative evidence nor a persuasive argument why this lost time should now, 35 years later, be removed from your record. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Copy to:  
Mr. Stephen C. Young  
Attorney at Law